

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GLEN COBB, et al.,

Defendants.

Case No. 2:14-cr-00194-APG-NJK

ORDER DENYING MOTION FOR
DISCLOSURE OF SURVEILLANCE
OR INTERCEPTION

(Docket No. 45)

Pending before the Court is the motion for disclosure of surveillance or interception filed by Defendants Glen Cobb, Charles Cobb, Anna Cobb and Monica Namnard. Docket No. 45. The Court has considered Defendants' motion and the United States' response. Docket Nos. 45, 73. Defendants did not file a reply. *See* Docket. For the reasons discussed below, the Court hereby **DENIES** Defendants' motion.

On July 11, 2014, Defendants filed their motion for disclosure of surveillance or interception. Docket No. 45. Defendants ask the Court to order the United States to produce 15 different categories (many of which include sub-categories) of discovery. *Id.* Although Defendants generally cite caselaw, Rules of Criminal Procedure and the Constitution in support of their motion, they fail to cite authority to support their specific requests. *Id.* Defendants also neglect to inform the Court as to whether any of the information requested has already been provided. *Id.*

In response, the United States lists the specific categories of discovery related to surveillance or interceptions that it has provided to Defendants. Docket No. 73, at 2. The United States submits that it has provided Defendants with all surveillance/interception material in its possession, that it recognizes its

1 continuing obligation to provide discovery, and that it will continue to provide ongoing discovery in
2 accordance with its obligations under applicable rules, caselaw and statutes. *Id.*

3 Defendants failed to file a reply and, accordingly, the United States' "arguments and evidence are
4 essentially uncontested. The Court therefore interprets [Defendants'] failure to file a reply brief as
5 consent" that the United States' argument is correct. *Garcia v. Dawahare*, 2006 WL 2583745, *2 (D.Nev.
6 2006) (Dawson, J.). *See also United States v. McEnry*, 659 F.3d 893, 902 (9th Cir. 2011) (where an
7 argument is available but not raised, it is waived); *Hansen v. Long*, 2014 WL 3435871, *14 (C.D. Cal. Jan.
8 28, 2014) (failure to address argument in reply is a concession that the argument is correct), *adopted* 2014
9 WL 3436156 (C.D. Cal. July 10, 2014).

10 Accordingly,

11 Defendants' motion for disclosure of surveillance or interception, Docket No. 45, is hereby
12 **DENIED.**

13 IT IS SO ORDERED.

14 DATED: August 7, 2014.

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18 NANCY J. KOPPE
19 United States Magistrate Judge
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